

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA      )  
    )  
    )  
v.                                    ) Case No. 2:24-cr-00485-AMM-NAD-2  
    )  
    )  
BLAKE MILLER BARAKAT      )

**ORDER GRANTING DEFENDANT'S MOTIONS FOR MENTAL HEALTH  
EVALUATION PURSUANT TO 18 U.S.C. § 4241(a) AND 18 U.S.C. § 4242(a)**

Pursuant to 18 U.S.C. § 4241(a),<sup>1</sup> and 18 U.S.C. § 4242(a),<sup>2</sup> and in light of counsel's proffer in the December 19, 2024 telephone conference, the defendant's motions for mental health evaluation and reports (Doc. 20; Doc. 21, filed December 13, 2024) are **GRANTED**. *See* minute entry, entered: 12/19/2024 (telephone conference to discuss motions); Doc. 25 (order setting telephone conference to discuss motions).

The court **FINDS** that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and

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<sup>1</sup> "At any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant, . . . the defendant or the attorney for the Government may file a motion for a hearing to determine the mental competency of the defendant." 18 U.S.C. § 4241(a).

<sup>2</sup> The court may "order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court." 18 U.S.C. § 4242(a).

consequences of the proceedings against her or to assist properly in her defense.

Pursuant to 18 U.S.C. § 4241(b),<sup>3</sup> and 18 U.S.C. § 4242(a),<sup>4</sup> the court **ORDERS** that a psychiatric or psychological examination of the defendant be conducted, and that two separate psychiatric or psychological reports be filed with the court, pursuant to the provisions of 18 U.S.C. § 4247(b) and (c).

**Examination.** Pursuant to 18 U.S.C. § 4247(b), the court **ORDERS** that the psychiatric or psychological examination shall be conducted by a licensed or certified psychiatrist or psychologist with the Bureau of Prisons (BOP). The defendant is committed to the custody of the Attorney General for placement in a medical center or other suitable facility. Unless impracticable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court.

The defendant shall be examined for a reasonable period, not to exceed 30 days for the report ordered pursuant to 18 U.S.C. § 4241 (competency), and not to

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<sup>3</sup> “Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court . . . .” 18 U.S.C. § 4241(b).

<sup>4</sup> “Upon the filing of a notice, as provided in Rule 12.2 of the Federal Rules of Criminal Procedure, that the defendant intends to rely on the defense of insanity, the court, upon motion of the attorney for the Government, shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court . . . .” 18 U.S.C. § 4242(a); *see* Doc. 22.

exceed 45 days for the report ordered pursuant to 18 U.S.C. § 4242 (sanity). Upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant, the director of the facility may apply for a reasonable extension, not to exceed 15 days for the report ordered pursuant to 18 U.S.C. § 4241 (competency), and not to exceed 30 days for the report ordered pursuant to 18 U.S.C. § 4242 (sanity).

The United States Marshals Service is **DIRECTED** to obtain a designation of a suitable facility from the Attorney General, and to make appropriate arrangements for the transportation of the defendant to the designated facility at the earliest possible time. The defendant shall remain at the designated facility after the completion of the examination, and the Marshal shall return the defendant to this district for such hearings as may be required by 18 U.S.C. § 4241 only upon further order of the court. *See* 18 U.S.C. § 4241(c) (hearing); 18 U.S.C. § 4241(d) (determination and disposition).

The parties are **DIRECTED** to make available all relevant records, reports, and other material to the staff of the BOP facility where the evaluation is designated to occur.

**Reports.** Pursuant to 18 U.S.C. § 4247(c), the court **ORDERS** that two separate psychiatric or psychological reports shall be prepared by the examiner designated to conduct the psychiatric or psychological examination, and shall be

emailed in Portable Document Format (“PDF”) to [danella\\_chambers@alnd.uscourts.gov](mailto:danella_chambers@alnd.uscourts.gov). Each report shall include a heading that refers to the applicable statutory provision, either 18 U.S.C. § 4241 (competency) or 18 U.S.C. § 4242 (sanity).

At a minimum, the report ordered pursuant to 18 U.S.C. § 4241 (competency) shall include—

- (1) the defendant’s history and present symptoms;
- (2) a description of the psychiatric, psychological, and medical tests that were employed and their results;
- (3) the examiner’s findings;
- (4) the examiner’s opinions as to diagnosis and prognosis; and,
- (5) the examiner’s opinions as to whether the defendant is suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense.

At a minimum, the report ordered pursuant to 18 U.S.C. § 4242 (sanity) shall include the information listed above (##1–5), as well as the examiner’s opinions as to whether the defendant was insane at the time of the offense charged.

Upon receipt of the two separate reports, the Clerk’s Office is **DIRECTED** to file the reports **UNDER SEAL**, and to disseminate copies of the reports as

follows:

- the report ordered pursuant to 18 U.S.C. § 4241 (competency) to the United States Attorney's Office, counsel for the defendant, and the United States Probation Office; and,
- the report ordered pursuant to 18 U.S.C. § 4242 (sanity) **ONLY** to counsel for the defendant.

Under the Speedy Trial Act (and based on the foregoing), the time from the date of this order until the date that the court makes the required competency determination and disposition finding pursuant to 18 U.S.C. § 4241(d) is **EXCLUDED** pursuant to 18 U.S.C. § 3161(h)(1)(A) (excludable time for “[a]ny period of delay resulting from other proceedings concerning the defendant, including . . . delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant”). *See also* 18 U.S.C. § 4241(c) (hearing).

The Clerk is **DIRECTED** to forward a copy of this order to all counsel of record, the United States Marshals Service, and the United States Probation Office.

**DONE** and **ORDERED** this December 19, 2024.



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**NICHOLAS A. DANELLA**  
UNITED STATES MAGISTRATE JUDGE